



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2675 of 2021

Madasamy @ Iyyappan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
Crime No.17/2020.

... Respondent/Complainant

For Petitioner : Mr.J.David Ganesan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime no. 17 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9 and 10 of Protection of Child Marriage Act, 2006, r/w Sections 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that all the accused persons made an arrangement for marriage of the petitioner with the victim girl aged about 15 years. Based on the complaint given by the Social Welfare Officer, the present case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 to A4 were granted anticipatory bail by this Court. He would also submit that on 18.02.2021 the victim girl delivered a male baby and she is being taken care of by the petitioner and his parents, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that A2 to A4 made arrangement of the petitioner and the victim girl who is aged about 15 years and A1 married the victim girl. He would also submit that A2 to A4 were granted anticipatory bail by this Court. He would also submit that on 18.02.2021 the victim girl delivered a male baby.

5. It is seen that the marriage between the petitioner and the victim was solemnized on 16.04.2020 and thereafter the case came to be registered on 25.08.2020 based on the complaint given by the Social Welfare Officer. Both the victim family and the petitioner family are known to each other and the members in both the family are uneducated. the victim mother is uneducated lady and the school authorities on their own had registered the date of birth in the register, which is not correct. The marriage between the petitioner and the victim conducted with the concurrence of both the family members as per their family customs. The victim is being taken care by the family members of the petitioner and the victim has also delivered a male child on 18.02.2021.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/02/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, PERAVURANI, THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2675 of 2021
Date :19/02/2021

AAV
MS/VR/SAR-1/19.02.2021/3P.6C